

REMARKS

Status of the Claims

With the entry of this amendment, claims 40-43 and 47-51 are pending.

Claims 40, 41, 42, and 47 are amended herein. These amendments are fully supported by the specification as originally filed. The amendments do not introduce new matter. These amendments are made without prejudice and are not to be construed as abandonment of previously claimed subject matter or acquiescence to any objection or rejection of record.

Claim Objection.

Claim 41 was objected to due to the language used to describe the O-tRNA processing. The claim has been amended for clarification. Applicants therefore respectfully request that the objection be withdrawn.

35 U.S.C. §112, First Paragraph – The Written Description is Adequate.

The claims were also rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the written description requirement. Specifically, the Examiner alleged that the written description is inadequate with regard to any unnatural amino acid comprising any alkynyl or azido moiety and with regard to sequences 90% identical to naturally occurring Tyr-RS. Without acquiescing to the rejection, Applicants, to expedite prosecution, herein amend the claims to specify particular unnatural amino acids and increase the percent identity to 98%. The claims now recite amino acids sequences that are 98% identity, wherein the two% variation includes at least two specific alterations. Applicants therefore respectfully request that the rejection be withdrawn.

35 U.S.C. §112, First Paragraph – The Claims are Enabled.

The claims were rejected under 35 U.S.C. §112, first paragraph, as allegedly failing to comply with the enablement requirement. Specifically, the Examiner alleged that the claims are not enabled for any unnatural amino acid comprising any alkynyl or azido moiety. Without acquiescing to the rejection, Applicants herein amend the claims to expedite prosecution and respectfully request that the rejection be withdrawn.

Non-Statutory Obvious-Type Double Patenting

Claims 40-43 and 47-51 were provisionally rejected for alleged non-statutory obvious-type double patenting over copending application 10/826,919. The Examiner requested that a terminal disclaimer be filed under 37 C.F.R. § 1.321(c) or (d). When all substantive issues have been resolved and the claims are otherwise in condition for allowance, Applicants will submit a terminal disclaimer if it is considered necessary at that time.

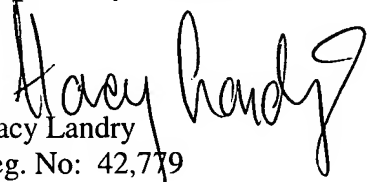
Conclusion

In view of the foregoing, Applicants believes all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the claims are deemed not to be in condition for allowance after consideration of this Response, a telephone interview with the Examiner is hereby requested. Please telephone the undersigned at (510) 337-7871 to schedule an interview.

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Respectfully submitted,


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Attachments:

- 1) A petition to extend the period of response for 3 months;
- 2) A transmittal sheet;
- 3) A fee transmittal sheet;
- 4) A receipt indication postcard